

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X-----X

RAMON MODESTO

Plaintiff,

-against-

HECTOR FIGUEROA , et. al.

Defendants,

X-----X

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15-CV-00495 (KNF)(RA)

NOTICE OF MOTION

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/17/15

PLEASE TAKE NOTICE that upon the annexed affirmation of Ramon

Modesto, affirmed on November 12, 2015, plaintiff will move this Court, before Hon. Ronnie Abrams, United States District Judge, for an order pursuant to the Federal Rules on Civil Procedure granting plaintiff's motion for extension of time to file Objections to the Report and Recommendations of November 2, 2015 issued by Hon. Kevin Nathaniel Fox recommending dismissal of the cases against defendants stated therein.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 12, 2015
Woodside, New York

Ramon Modesto

Ramon Modesto
4029 67 St. 2F
Woodside, NY 11377
718-431-5226

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X-----X

RAMON MODESTO

Plaintiff,

-against-

15-cv-00495 (KNF)(RA)
AFFIRMATION IN SUPPORT
OF MOTION FOR EXTENSION
OF TIME TO FILE OBJECTIONS TO
REPORT AND RECOMMENDATION

HECTOR FIGUEROA, et.al.

Defendants,

X-----X

I, Ramon Modesto, affirm under penalty of perjury that:

1. I am the plaintiff in the instant case, and respectfully move this Court to issue an order granting plaintiff more time to file his objections to the Report and Recommendations of Hon. Kevin Nathaniel Fox, United States Magistrate Judge dated November 2, 2015 dismissing the case against the defendants named therein.
2. The reason why I am entitled to the relief I seek is that plaintiff most likely needs to file three (3) objections to three reports recommending the dismissal of the complaints against three (3) other groups of defendants in this case.
3. Plaintiff was given only a period of 14 days to file his objections and he needs more time to file his objections in the period specified. He needs time to research and seek advise on legal remedies available to him at this time.

WHEREFORE, I respectfully request that the court grant this motion, as well as other reliefs and remedies just and equitable under the premises.

Dated: Woodside, New York
November 12, 2015

Ramon Modesto

Ramon Modesto
4029 67 st. 2F
Woodside, NY 11377
Cel. No. 718-431-5226

November 12, 2015

The Clerk of Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: 15-cv-00495 "Modesto vs. Figueroa, et.al."

Honorable Clerk of Court,

I am the *pro se* plaintiff in the above case. I requested a document from your office where I was refused a certificate of default showing that counsel for defendant Securitas belatedly filed its motion to dismiss only on June 29, 2015, or 10 long days after the court directed Securitas to file its responsive pleading on or before the June 19, 2015 deadline. The reason for this is that counsel had not yet entered its appearance as counsel for Securitas on June 19, 2015, making it impossible for it to represent Securitas on time. No letter or motion for extension of time was filed with the court. (Pls. see docket sheet).

This is to formalize that request for a ***certificate of default***.

The Federal Rules of Civil Procedure (FRCP) mandate that a party ***who fails to file a timely answer or motion to dismiss is legally in default***.

I trust that the Office of Clerk of Court will issue this document as it is, I believe, a ***ministerial duty of the Clerk of Court to issue this document***.

Thank you.

Respectfully,


Ramon Modesto
Pro Se Plaintiff

RAMON MODESTO
4029 L7 ST. 2F
WOODSIDE, NY 11377

HON. KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007

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PRO SE INTAKE UNIT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES DISTRICT COURT
DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007

RETURN RECEIPT
REQUESTED

RAMON
4029 67 ST. 2F
WOODSIDE, NY 11377